

REMARKS

Claims 1-32 and 34-42 are pending herein.

I. The claim amendments may be permissibly entered after Final Rejection under 37 C.F.R. § 1.116.

Applicants are respectfully aware of the limitations on amendments after Final Rejection. It is respectfully noted that the amendments herein merely cancel claims 21-42. Thus, no new search is required and the amendments may be permissibly entered under 37 C.F.R. § 1.116.

II. The obviousness rejections of claims 1-20 based on Gelbart (US 5,305,091), as noted on page 3 of the Office Action.

The USPTO respectfully rejects claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable based on Gelbart in view of Sciaky. Claim 1 is an independent claim.

As previously argued in the Amendment filed October 23, 2008, Gelbart does not teach or suggest the specifically claimed rotatable portion of claim 1. Additionally, the USPTO's proposed interpretation of Gelbart is contrary to the principle of operation of the device in Gelbart (see MPEP 2143.01).

A. The cited references do not teach or suggest a rotatable portion that is rotatable with respect to a stationary portion and an emission end of a optical fiber system disposed on the rotatable portion, as claimed in claim 1.

Claim 1 claims in relevant part:

"a rotatable portion that is **rotatable with respect to the stationary portion** at least a first optical fiber system for optically interconnecting the first laser radiation source and the first optical detector with an emission end of the first optical fiber system, **the emission end disposed on the rotatable portion** for emitting laser radiation to the remote target and for receiving laser radiation reflected from the remote target, wherein an emission direction of the laser radiation is controlled according to the rotation of the rotatable portion."
(emphasis added)

Regarding these limitations, it is respectfully not seen where the cited references teach or suggest the claimed structure quoted above.

For example, the USPTO respectfully argues on page 2 of the Office Action that transceiver 3 of Gelbart is the specifically claimed rotatable portion. However, the USPTO further notes on page 3 of the Office Action “Gelbart does not expressly state the portion (3) is rotated.”

The USPTO respectfully attempt to overcome this deficiency in Gelbart by arguing on page 3 of the Office Action that “in this case since there is nothing to prevent the rotation, the portion 3 is rotatable.” Additionally, the USPTO argues on page 5 of the “Office Action that:

“Therefore, the Examiner submits that the transceiver can be removed from the stable points, rotated, and remounted on the stable points. Thus it is submitted that the transceiver is rotatable. Even if the transceiver is mounted on the stable points by screws or bolts, or even glued to the stable points, it is possible to remove the transceiver from the stable points and rotate the transceiver.”

However, it is respectfully asserted that there is no common sense reason or other technical reason why transceivers 3 of Gelbart are rotatable. For example, as discussed in column 3 lines 40-51 of Gelbart, the positions of transceivers 3 are fixed and known from previous calibrations and these positions are used to make a measurement. Thus, **for the device in Gelbart to work properly, the transceivers must stay fixed in place.**

Additionally, if the transceivers 3 of Gelbart are rotated, the entire system would need to be recalibrated. This recalibration would add time and expense to the use of the device in Gelbart. Furthermore, if transceivers 3 of Gelbart were rotatable, it would not be possible to use the known fixed positions of transceivers 3 to make a measurement. Therefore, **the USPTO's proposed interpretation of transceivers 3 of Gelbart as rotatable portions is contrary to the principles of operation of the device in Gelbart.** As noted in MPEP 2143.01, “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then **there is no suggestion or motivation to make the proposed modification.**” (emphasis added). Therefore, it is respectfully asserted that Gelbart does not teach or suggest at all the specifically claimed rotatable portion of independent claim 1.

In contrast, present Figures 1-3 illustrate at least one possible embodiment of the claimed structure quoted above. For example, present Figure 1 shows a stationary base 101 (i.e., a stationary portion), and **a rigid structure 190 (i.e., a rotatable portion) that can be rotated with respect to stationary base 101 by motors 80, 81.** Additionally, as seen in present Figure 3, **emission ends of optical fibers 110, 111, and 115 are disposed on beam combiner block 200 that is located on rigid structure 190** (i.e., the rotatable portion). Thus, it is respectfully asserted that rigid structure 190 is one possible embodiment of the specifically claimed rotatable portion of claim 1.

The distinction noted above is important and non-trivial because it results in significant advantages over conventional devices. For example, as noted on page 5 of the present specification, the specifically claimed structure of claim 1 allows **for improved laser beam steering, six degree of freedom measurements, and the capability to locate multiple retroreflectors distributed throughout large volumes.** Additionally, the specifically claimed device of claim 1 can be easily manufactured at a low cost without requiring complex beam-steering optics.

Thus, it is respectfully asserted that Gelbart does not teach or suggest all of the limitations of independent claim 1. Therefore, it is respectfully asserted that independent claim 1 is allowable over Gelbart.

B. The dependent claims.

As noted above, it is respectfully asserted that independent claim 1 is allowable, and therefore it is further respectfully asserted that dependent claims 2-20 are also allowable.

III. Conclusion.

Reconsideration and allowance of all of the claims is respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Please contact the undersigned for any reason. Applicants seek to cooperate with the Examiner including via telephone if convenient for the Examiner.

Respectfully submitted,

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